

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA : Hon. Stanley R. Chesler
 : Crim. No. 07-35
 v. :
 : ORDER
 ALLEN HILLY :

This matter having come before the Court on the application of the defendant (David A. Holman, Esq. and Peter Carter, Esq., Assistant Federal Public Defenders, appearing) in the presence of Ralph J. Marra, Jr., Acting United States Attorney for the District of New Jersey (Marion Percell and Christopher J. Kelly, Assistant U.S. Attorneys, appearing) for an adjournment of the trial date in this matter, and the Court having considered the arguments of counsel, for the reasons set forth on the record on July 16, 2009, and for good cause shown,

IT IS THE FINDING OF THIS COURT that this action should be continued for the following reasons:

1. The failure to grant a continuance would, for the reasons set forth on the record on July 16, 2009, deny counsel for the defendant the reasonable time necessary for effective preparation, taking into account the exercise of due diligence, within the meaning of Title 18, United States Code, Section 3161(h)(7)(B)(iv).

2. This case is so unusual and so complex that it is unreasonable to expect adequate preparation for pretrial

proceedings and for the trial itself within the time limits established by Title 18, United States Code, Section 3161.

3. The ends of justice served by a continuance of the trial date in this matter until February 2, 2010 outweigh the interest of the public, the government, and the defendant in a speedy trial.

IT IS, therefore, on this 15th Oct day of ~~August~~, 2009,

ORDERED that the trial date in this matter is continued until February 2, 2010, and that the period of time from October 13, 2009 through February 2, 2010 shall be excluded for the purposes of computing time under the Speedy Trial Act pursuant to 18 U.S.C. §§ 3161(h)(7)(A), (h)(7)(B)(ii), and (h)(7)(B)(iv); and it is further

ORDERED that:

1. The government shall provide to the defendant a summary of expert testimony pursuant to Federal Rule of Criminal Procedure 16(a)(1)(G) for each expert witness whose testimony it intends to offer at trial on or before November 2, 2009;

2. The defendant shall provide to the government a summary of expert testimony pursuant to Federal Rule of Criminal Procedure 16(a)(1)(G) for each expert witness whose testimony defendant intends to offer at trial on or before November 16, 2009;


3. Pretrial motions shall be filed on or before November 23, 2009;

4. Opposition papers shall be filed on or before December 14, 2009;

5. Reply papers, if any, shall be filed on or before December 21, 2009;

6. The return date for pretrial motions shall be January 4, 2010 at 11:00 a.m.; and

7. Trial shall commence on February 2, 2009, at 10:00 a.m.



HON. STANLEY R. CHESLER
United States District Judge

David A. Hohen



U.S. Department of Justice

United States Attorney
District of New Jersey

Christopher J. Kelly
Assistant U.S. Attorney

970 Broad Street, Suite 700
Newark, NJ 07102

(973)645-6112

September 16, 2009

Honorable Stanley R. Chesler
United States District Judge
United States Post Office & Courthouse
Federal Square
Newark, NJ 07102

Re: United States v. Allen Hilly
Magistrate No. 07-035

Dear Judge Chesler:

Enclosed please find an original and two copies of a proposed scheduling order in the above-captioned matter. I have spoken to David Holman, Esq., counsel for the defendant, who has consented to the form of order. If the form of the Order meets with Your Honor's approval, kindly execute it, and please have your Deputy Clerk file the original with the Clerk of the Court.

Thank you very much.

Respectfully submitted,

Ralph J. Marra, Jr.
Acting United States Attorney

By: Christopher J. Kelly
Assistant U.S. Attorney

cc: David Holman, Esq.
Marion Percell, Esq.